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June 27, 2024

**By ECF**

Honorable Edgardo Ramos  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: Ali Moore v. New York City Police Department, et al.  
23-CV-1300 (ER)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Muriel Goode-Trufant, Acting Corporation Counsel of the City of New York, and the attorney for defendant the City of New York in the above-referenced action. The City writes to respectfully request an extension of time to respond to the Second Amended Complaint ("SAC") until 21 days after the newly added individual NYPD defendants have been served with process in this matter. The undersigned contacted plaintiff via email earlier this evening seeking his consent to this application, but plaintiff has not responded with his position as of the time of this filing.

By way of background, on April 1 and May 1, 2024, pursuant to the Court's *Valentin* order in this case, the City identified five members of the NYPD who "interacted with Plaintiff on February 11, 2020"—Sergeant Angelone, Officer Tavares, (Retired) Officer Rios, Detective Neville, and Detective Imperato—and provided those officers' badge numbers and service addresses. *See* ECF Nos. 45 & 47. On June 2, 2024, plaintiff filed the 95-page SAC, which named these individuals in the case caption and listed them in the section titled "The Parties," but did not mention their names in any of the factual allegations. *See generally* SAC, ECF No. 56-1 (re-entered on the docket as ECF No. 57). On June 6, 2024, the Court directed defendants to answer plaintiff's amended pleading by today, June 27, 2024. *See* ECF No. 58.

Upon review of the docket sheet in this matter, it appears that defendants Angelone, Tavares, Rios, Neville, and Imperato (hereinafter "NYPD defendants") were never served with process in this matter and summonses were never issued for them. Although defendant City anticipates requesting a pre-motion conference pursuant to Rule 2.A.ii of Your Honor's Individual Practices for an anticipated motion to dismiss for failure to state a claim, the City respectfully requests an extension of time to respond to the SAC until 21 days after the

individual NYPD defendants are served with process. This way, all defendants who may ultimately be represented by this Office can respond to the SAC together.<sup>1</sup>

The City also notes that the newly added NYPD defendants do not appear as defendants on the docket sheet. In terms of NYPD individuals, the docket sheet lists “NYPD John Does,” “New York City Police Officer Combrella, Badge Number 7427,” and “New York City Police Officer Torterra” as defendants, but it does not list any of the individuals identified in the City’s response to the Court’s *Valentin* order. Although plaintiff’s “motion to correct the record” at ECF No. 56 states that Officers Combrella and Torterra were inadvertently omitted from the complaint, it is unclear whether plaintiff actually intended to add them as defendants because, based on the allegations in the SAC, these officers were not involved in the February 11, 2020 incident at issue in this case. See SAC ¶¶ 77-81, ECF No. 57.

For the reasons set forth above, defendant City respectfully requests an extension of time to respond to the SAC, from June 27, 2024, until 21 days after the last newly named individual NYPD defendant is served with process, so that all defendants that may be represented by this Office can respond to the SAC together.

We thank the Court for its time and consideration of this matter.

Respectfully submitted,

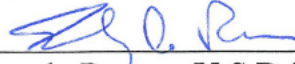
Evan J. Gottstein /s/  
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cc: **Via E-Mail**

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The application is X granted  
\_\_\_\_\_ denied

  
Edgardo Ramos, U.S.D.J.  
Dated: 06/28/2024  
New York, New York

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<sup>1</sup> This Office cannot determine representation for the individual NYPD defendants until after they are served with process. If these individuals ultimately obtain representation from this Office, there would be certain bases for dismissal unique to the claims against them individually.